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if the risks of prejudice and confusion are outweighed by other factors[,] including the risk of inconsistent adjudications of common factual and legal issues, the burden on parties [and] witnesses[,] and available judicial resources.” *Carpenter v. GAF Corp.*, Nos. 90-3460, 90-3461, 1994 WL 47781, at \*1 (6th Cir. Feb. 15, 1994) (per curiam) (quotation removed); *accord, e.g., Cantrell*, 999 F.2d at 1011.

The court finds that consolidation of these cases is appropriate. The cases stem from the same nucleus of facts. Moreover, as both are to be tried without a jury, the risk of prejudice or confusion to a jury is nonexistent, and indeed twice trying the cases before the undersigned would only waste judicial resources.

Accordingly, in light of the similarities in the cases and the judicial economy that consolidation would promote, plaintiff’s Motion to Consolidate [Doc. 26] is **GRANTED**. Case numbers 3:07-cv-345 and 3:08-cv-73, are hereby **CONSOLIDATED**, with case number 3:07-cv-345 designated as the lead case. The Clerk is **DIRECTED** to administer these cases as consolidated for all future proceedings. All filings are to be made in the lead case, 3:07-cv-345.

Furthermore, the court finds the motion to continue to be well-taken, and the motion [Doc. 25] is accordingly **GRANTED**. The trial date of these consolidated actions shall be continued to **March 23, 2010**.

Finally, the corresponding motions in Case No. 3:08-cv-73 [Docs. 9, 10] are, for the foregoing reasons, **GRANTED**. A revised scheduling order will follow.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge